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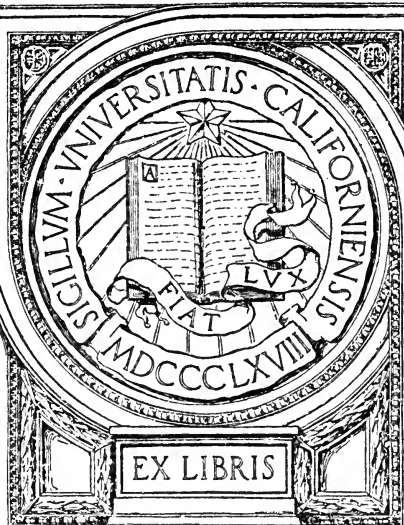
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Charter of the City of Montrose, Colorado



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Charter of the City of Montrose, Colorado

PREFATORY SYNOPSIS OF THE CHARTER OF THE CITY OF MONTROSE, COLORADO

The Charter Convention elected on September 30, 1913, submits to the voters of Montrose, Colorado, for their approval, this charter which provides a Commission-Manager Plan of City Government.

Under its provisions the people elect five commissioners, at large, who shall constitute the City Council and Legislative body of the City.

The Commissioners, when elected, appoint a City Manager who shall be the executive head of the City, and who shall appoint all officers and employees of the City, except as otherwise provided in the Charter, thereby providing for a more efficient and economical administration of the affairs of the City and making the City Manager directly responsible to the people for his official acts.

The charter provides for the initiative, referendum and recall and security and protection is reserved to the people in the matter of franchises and public utilities and publicity is provided for in all matters relating thereto.

Through the institution of a Commission-Manager Plan providing for only one high salaried official, it is hoped to provide a much more economical form of City Government than that now in vogue in this City and in other cities of Colorado where three or more high salaried officials are employed, thereby the better meeting the needs of a City of the size of Montrose.

PREAMBLE

We, the people of the City of Montrose, under the authority of the Constitution of the State of Colorado, do ordain and establish this Charter for the City of Montrose, Colorado.

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES

Name, Boundaries

Sec. 1. The municipal corporation now existing and known as the City of Montrose, shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries in manner authorized by law,

Powers, Rights, Liabilities.

Sec. 2. (a) By the name of the City of Montrose, the city shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of Montrose and shall assume, manage and dispose of all trusts in any way connected therewith.

(b) Shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Montrose; by that name may sue and de-

fend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property.

(c) May receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage and sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation.

(d) Shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, and to maintain, conduct and operate waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, and any other public utilities or works or ways, in whole or in part, and everything required therefor, for the use of said city and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection therewith that may exist and which said city may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city which may enforce such purchase by proceedings at law, as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the majority of votes cast by the taxpaying electors, at any special or general election, in such amounts as is provided by State law.

(e) The legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this charter, shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed.

(f) The city shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this State have been or shall be granted to or exercised by any city of the first class, or second class. Provided, however, that where the powers, which have been or shall hereafter be granted as aforesaid, conflict, the City Council shall have power by ordinance to determine which power shall be exercised by the City.

(g) The form of government provided in this article shall be known as the "Commission-Manager Plan," and shall consist of five commissioners, who shall be elected at large in manner hereinafter provided, and who shall constitute the City Council. The City Council shall constitute the governing body with powers as hereinafter provided, to pass ordinances, to adopt regulations, and to appoint a chief administrative officer to be known as the "City Manager," and exercise all powers hereinafter provided.

ARTICLE II.

ELECTIONS

General and Special Municipal Elections

Sec. 3. A municipal election shall be held in the City of Montrose on the first Tuesday after the first Monday in February, 1914, and on the first Tuesday after the first Monday in November on every odd numbered year thereafter and shall be known as the General Municipal Election. All other municipal elections that may be held, shall be known as Special Municipal Elections.

Registration

Sec. 4. No person shall be permitted to vote at any municipal elec-

tion without having been registered. The registration shall be the same as is now or may hereafter be provided by the general laws of the State, except as the City Council may otherwise by ordinance provide.

Judges and Clerks.

Sec. 5. The judges and clerks of any election shall be selected from a list of persons, two each of whom may be proposed by each candidate for each election precinct. All such lists shall be proposed in writing at least fifteen days before election. In case an insufficient number of names are so proposed, the City Council may select such number as may be necessary in order to provide three receiving judges and three counting judges and two clerks for each of said bodies, and as otherwise provided by the laws of Colorado.

Nominations of Officers

Sec. 6. The mode of nomination of all elective officers of the city, to be voted for at any municipal election shall be as is now provided by the laws of Colorado, for independent nominations.

Election of Officers

Sec. 7. The election of all elective officers of the city shall be as provided by the laws of the State of Colorado, except as otherwise provided for in this charter.

General Election Regulations

Sec. 8. The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the City Council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the City Council shall appoint some Justice of the Peace or Notary Public of said city to take the place of said candidate upon said canvassing board as a member thereof.

Election Precincts

Sec. 9. The entire incorporated city of Montrose shall constitute one election precinct for all city election purposes, until such time as the City Council find it necessary to divide the city into more precincts and when they do so, then every candidate to name but one person for each precinct's board of election.

ARTICLE III.

Recall from Office

Sec. 10. Every elective and appointive City Officer of the City of Montrose, may be recalled from office at any time by the electors of the City of Montrose by a petition filed with the City Clerk equal in number to twenty-five (25) per centum of the entire vote cast at the last preceding general municipal election.

Sec. 11. The procedure hereunder to effect the recall of an elective or appointive officer, shall be as far as applicable by the method pointed out in Article XXI of the Constitution of the State of Colorado known as "Recall from Office" with power in the City Council to provide by ordinance such other and further procedure as it may deem expedient.

ARTICLE IV.

DIRECT LEGISLATION BY THE PEOPLE

Sec. 12. Any proposed ordinance, charter or charter amendment may be submitted to the City Council, of the City of Montrose, by petition therefor of qualified electors equal in number to at least five (5) per centum of the last preceding vote for all candidates for Governor within such city, by filing the same with the City Clerk, and such proposed ordinance, charter or charter amendment shall be adopted without alteration by said City Council within twenty (20) days after such petition is filed, or the City Council shall refer such proposed ordinance, charter or charter amendment in the form petitioned for to the qualified electors at the next municipal election to be held not less than sixty (60) days after such petition is filed, and in case a municipal election follows in a shorter time than sixty (60) days, then said petition shall contain a request for a special election and must be signed for that purpose by qualified electors equal in number to at least fifteen (15) per centum of the vote of the preceding election for Governor. The ordinance, charter or charter amendment shall be passed by the City Council within twenty (20) days after such petition has been filed, or the City Council may refer such proposed ordinance, charter or charter amendment in the form petitioned for to the qualified electors at a special election which shall be called within said thirty (30) days, and held not less than sixty (60) nor more than ninety (90) days after such petition is filed, unless a special election for some other purpose or a general election is held within said period of time, in which case such proposed ordinance, charter or charter amendment shall be submitted to a vote at such election.

Alternative ordinances, charter and charter amendments may be submitted at the same election, and if two or more conflicting measures be approved by the people, then the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

Sec. 13. The law known as "Initiative and Referendum," Session Laws 1913, Colorado, page 310, so far as applicable shall govern the procedure and form of Direct Legislation by the People of the City of Montrose with power in the City Council to make and publish such ordinances as may be needful to carry out the object and intent of this Article.

ARTICLE V.

ELECTIVE OFFICERS AND EMPLOYEES

Sec. 14. The elective officers of the City shall consist of five Commissioners, who shall constitute the City Council. Each of said Commissioners shall be elected at large by the qualified electors of the City.

Qualifications

Sec. 15. No person shall be eligible to the office of Commissioner unless he be a qualified elector, and shall have been a taxpayer in the City of Montrose, Colorado, for at least two years immediately preceding such election.

Term of Office

Sec. 16. The term of office of the Commissioners shall commence on the first day of January following their election and shall be for a period of two years and until their successors are duly elected and qualified, except after the first election, they shall qualify and take office within ten (10) days after election, or as otherwise provided in this Charter.

Salaries

Sec. 17. Each Commissioner shall receive a salary of Ten Dollars (\$10.00) a month payable at the end of the month.

Vacancies

Sec. 18. If a vacancy occur in the office of any such Commissioner the remaining members of the City Council shall appoint an eligible person to fill such vacancy until his successor shall have been elected and qualified. A vacancy shall exist when a Commissioner fails to qualify within ten (10) days after notice of his election; dies, resigns, removes from the city, is convicted of a felony or judicially declared a lunatic.

Legislative Powers

Sec. 19. The City Council shall, except as otherwise provided by this charter, be vested with all the legislative powers of the City.

Judges of Their Election.

Sec. 20. The City Council shall be the judge of the election and qualification of its own members, subject to review by the courts in case of contest, as by Statutes of Colorado in such case provided.

Rules.

Sec. 21. The City Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at its meetings.

Meetings.

Sec. 22. All meetings of the City Council shall be held in the City Hall. Regular meetings shall be held on the first and third Thursdays in each month. The City Council shall prescribe the time of its meetings and the manner in which special meetings shall be called. A majority of all the members shall constitute a quorum to do business but a less number may adjourn to a definite date. The City Council shall sit with open doors at all legislative sessions and shall keep a journal of its proceedings which shall be a public record.

Clerk.

Sec. 23. The City Manager shall appoint a City Clerk who shall be clerk of the City Council and may have such other duties as may be prescribed by the City Manager.

Ordinances and Resolutions.

Sec. 24. In all regular meetings the City Council shall act by ordinance, resolution or motion, and at special meetings, by resolution or motion.

Publication.

Sec. 25. Every ordinance, after the same shall have passed first reading by a majority vote of the City Council shall be published once in full in a newspaper of the City or generally distributed in a leaflet or pamphlet form, at least ten (10) days before its final passage. Within ten (10) days after such final passage it shall be again published once in a newspaper or generally distributed in leaflet or pamphlet form. The proof of such publication by pamphlet or leaflet form shall be evidenced by the affidavit of the City Clerk that the ordinance in pamphlet or leaflet form was generally distributed.

Publication Fees.

Sec. 26. All election notices, or lists of nominations for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this Charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the city may be liable, shall be paid for by the city at such rates as shall not in any event, exceed the usual rates for like work. No bill shall be rendered to, or paid by, the city for such advertising or printing in excess of the said usual rates, provided that at no time such rates shall exceed the legal rate.

Sec. 27. When pamphlet form is used for publication, the City Manager shall publish three times in one newspaper of the city, at least five (5) days before such publication, the fact that such pamphlet or leaflet will be issued, stating briefly the subject to be covered, and within one (1) day of the time for handing same for publication, any individual, organization or association may insert in such pamphlet or leaflet any matter, either in favor of or opposed to the proposition in the pamphlet or leaflet, in such manner as is provided by the Statutes of Colorado relating to pamphlet advertising.

Proof of Ordinance

Sec. 28. All ordinances passed by the City Council in whatsoever form shall be certified to by the City Clerk.

Clerk's Certificates.

Sec. 29. The certificate attached to and published with ordinances which have passed first reading shall be in form as follows, appropriately filling the several blanks, viz.:

"Passed first reading this ____ day of _____ 19 ____.

(SEAL) _____ (City Clerk)"

The certificate attached to and published with ordinances which have been finally passed shall be in form as follows, appropriately filling the several blanks, viz.:

"Passed final reading this ____ day of _____ 19 ____.

(SEAL) _____ (City Clerk)"

The certificate necessary to validate ordinances published in pamphlet form, which shall be made after the said ordinances have been generally distributed as herein provided, and attached to the original ordinance in the ordinance book, shall be as follows:

"State of Colorado)
County of Montrose) ss.
City of Montrose)

_____, City Clerk, being first duly sworn, upon his oath deposes, says and certifies that the foregoing ordinance passed first reading on the ____ day of _____, 19 ____; passed final reading on the ____ day of _____, 19 ____; and after its said final passage was generally distributed throughout the City of Montrose. Subscribed and sworn to before me
this ____ day of _____, A. D. 19 ____.

City Clerk.

Notary Public."

Record of Ordinances.

Sec. 30. All ordinances shall within three days after the date of taking effect be recorded in a book kept for that purpose marked "Ordinances of the City of Montrose" and shall be authenticated in said book by the signature of the Mayor and the City Clerk, and shall

be consecutively numbered following the latest number now in force. The ordinances adopted under the initiative provisions of this charter shall be separately numbered and recorded commencing with "People's Ordinance No. 1."

General Powers

Sec. 31. The City Council shall have in addition to the powers herein granted all powers given by the Constitution and Statutes of the State of Colorado to City Councils, except as herein otherwise provided.

Contractual Powers

Sec. 32. The City Council shall have no power to make any contract of any kind or nature whatsoever, or to make any lease of city property, the operation of which will extend beyond the time of the installation of the new commissioners elected at any general municipal election; nor shall it have any power to sell, abandon, grant, or otherwise dispose of any title or right of the city to any real estate, franchise, right of way, street, avenue, alley, or other public property, all such powers being reserved to the people, and to be exercised only by the qualified voters at a general or special municipal election.

Mayor

Sec. 33. The Commissioners at their first meeting after election shall elect a mayor from among their number, who shall be the presiding officer of the City Council, except that in his absence the Mayor pro tempore shall so act.

No Veto

Sec. 34. The mayor shall have the right to vote on all questions coming before the City Council but he shall have no veto power.

City Manager.

Sec. 35. The City Council by a majority vote thereof shall appoint a City Manager who shall be the executive head of the municipal government. He may or may not be a resident of the City of Montrose when appointed. He may be discharged only by a unanimous vote of the City Council and shall be subject to recall as herein provided.

Powers and Duties

Sec. 36. The City Manager shall have the following powers and duties:

First: To appoint and remove all officers and employees in his departments, necessary to carry out the duties imposed upon him by Section 65, Article VII, of this charter, or any other duties imposed upon him by this charter, or the City Council, except as herein otherwise provided, and to fix their compensation. He shall not appoint any relative of his to any office of trust.

Second: To attend all meetings of the City Council with right to take part in any discussion and to recommend to the City Council such measures as he may deem necessary or expedient; but he shall have no vote.

Third: To keep the City Council fully advised as to the financial condition and needs of the City.

Fourth: To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the City Council.

Salary

Sec. 37. The City Manager shall receive a salary not to exceed Eighteen Hundred Dollars (\$1800.00) per annum.

Police Magistrate

Sec. 38. The City Council shall appoint a Police Magistrate who shall hold office during the pleasure of the City Council appointing him and until his successor is appointed and qualified, subject, however, to the recall provisions of this charter.

Jurisdiction, Powers, Duties and Procedure

Sec. 39. Said Police Magistrate shall have exclusive original jurisdiction to hear, try and determine all causes arising under any section of this charter or any of the ordinances of the city for a violation thereof, and there shall be no change of venue therefrom. He shall have such other jurisdiction, rights, powers and duties as are provided by Division 1 of Chapter 126 of the Laws of the State of Colorado, or Acts amendatory thereto, and the procedure shall be as by the laws provided.

City Attorney

Sec. 40. The City Attorney shall be appointed by the City Council, shall hold office during the pleasure of the City Council, and shall be the legal adviser of the City Council and City Manager and shall have the powers, duties and compensation which are now or may hereafter be imposed or granted by ordinance.

Oath of Office

Sec. 41. All officers of the City shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the city and faithfully to perform the duties of the office upon which they are about to enter.

Bonds

Sec. 42. All officers and employees who handle city funds, or officers holding positions of responsibility, shall give bond in such amount as may be required by the City Council by ordinance or resolution and the City shall pay the premium on all such bonds.

No Extra Compensation

Sec. 43. No officer or employee shall receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly from or by reason of any dealings with or service for the City, by himself or by others, except his lawful compensation or salary as such officer or employee.

ARTICLE VI.

FINANCE, APPROPRIATION AND TAXATION

Fiscal Year

Sec. 44. The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

Claims against City

Sec. 45. No demand for money against the city shall be approved, allowed, audited or paid unless it shall be in writing, dated and verified as hereinafter provided and sufficiently itemized as to identify the expenditure and shall first be audited by the City Manager.

Purchasing and Sales Agent

Sec. 46. The City Manager shall be the purchasing and sales

agent for all personal property for the city and shall procure all supplies, issuing a requisition therefor. Such requisition shall be in writing, shall state the quality, quantity, and kind of material required, whether urgency demands that the order be made by wire, whether the supplies should come by express or otherwise, and the probable cost thereof, in detail, if known. Except in case of emergency he shall advertise for competitive proposals for any supplies in a newspaper, or by circular letters, or other means, sent to several competitive dealers where estimated cost exceeds One Hundred Dollars (\$100.00) and competitive bids shall be kept on file in the office of the City Manager.

Bills

Sec. 47. Bills for material and supplies furnished must specify quality and cost of article and to whom delivered and must be accompanied by the requisition issued therefor. Bills for labor must give date of each day's work and where the same was done and by whom ordered; and after setting forth the claim against the city, shall be verified by the claimant and shall be upon a form furnished by the City Manager in manner and form as follows:

"State of Colorado)
County of Montrose) ss.
City of Montrose)

-----, being first duly sworn, doth depose and say that the above account is legal, just and true, that the article furnished and services rendered therein as charged have been actually furnished to and rendered for the said city; and that the same has not been paid or any part thereof; and that all offsets thereto have been credited.

Subscribed and sworn to be-

fore me this ____ day of _____, 19 ____

Claimant.

(SEAL) -----

Notary Public.

Approved by me as City Manager for work done or material furnished for the amount of \$-----.

City Manager.

Paid by warrant No. _____, dated _____, 19 ____.

Charge to following accounts:

To-----	Appropriation, -----	Fund, \$-----
To-----	Appropriation, -----	Fund, \$-----
	-----	\$----- "

Issuance of Warrants

Sec. 48. All bills for work done for the city, after having received the approval in writing of the city Manager, if correct and legal in all particulars, shall be allowed by vote of a majority of the City Council present at any meeting, whereupon a warrant shall be drawn in duplicate, the original of which shall be signed by the City Clerk, countersigned by the Mayor, with the seal of the city attached, which said original warrant shall thereupon be payable at the City depository. The person to whom the warrant is issued, or his assigns, shall receipt for the same upon the face of the duplicate warrant.

Cash Basis

Sec. 49. The business of the City shall be conducted upon a cash basis, and warrants shall not be drawn, upon the order of the City Manager or City Council, unless there be money in the City Depository to pay the same; provided, that warrants may be issued in the event of an emergency, but in that event, not in excess of the balance remaining in any fund upon which said warrant is issued as fixed in the annual ap-

propriation ordinance; and, provided further, that the foregoing shall not apply to the Water Works fund.

Funds

Sec. 50. The several funds of the city shall be as follows: General fund, Water Works fund, Cemetery fund, Interest on Bonds fund, and Bond Sinking fund.

Adoption of Existing Law

Sec. 51. Until the council shall otherwise, by ordinance, provide, the Statutes of the State of Colorado now or hereafter in force, shall govern the making of assessments by the assessor of the county in which the city is situated, the making of equalizations, and the collection of taxes by the Treasurer of said county for and on behalf of the city, and also the certification and collection of all delinquent charges, assessments and taxes.

Certificate of Assessment

Sec. 52. It shall be the duty of the City Manager to procure, as soon as available each year, a certificate from the County Assessor of the total amount of property assessed for taxation within the limits of the city, as shown by the assessment roll in the Assessor's office.

Annual General City Estimate

Sec. 53. On or before the first day of October each year, or on such date as shall be fixed by the council, the City Manager shall submit to the council his annual budget setting forth in detail, for their information, an estimate of the probable expenditure of the city government for the next ensuing fiscal year for all purposes, also an estimate of the probable income from fines, licenses, water rents, and all other sources of revenue exclusive of taxes upon property.

Tax Levy and Appropriation

Sec. 54. The City Council shall, between October first and December first of each year, meet and pass an ordinance, which shall be entitled the "Annual Appropriation Ordinance," in which shall be included such levy as in its judgment may be deemed proper and wise, in mills, upon each dollar of the assessed valuation of all taxable property within the corporate limits of the City, and shall cause such total levy to be properly certified to the County Commissioners of Montrose County, Colorado. This ordinance shall also appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the city, which appropriation shall not exceed the estimated revenue of said city for the fiscal year, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object and purpose therein named for the ensuing year.

If the City Council fails in any year to make such tax levy as above provided, then the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied by the Board of County Commissioners, the same as if certified to said board.

The amount required to make payment of any interest, or principal of bonded indebtedness, shall always be included in and met by tax levy, except as may otherwise be provided in this charter.

No Liability Without Appropriation

Sec. 55. Except as herein otherwise specifically provided the city expenditures in any one year shall not exceed the amount provided in

the annual appropriation ordinance for that year, and no contract involving the expenditure, and no expenditure for any improvement to be paid out of the general or special fund of the city, or for defraying the expenses and liabilities of the city shall exceed, in any one year, the amount provided in the annual appropriation ordinance to be paid out of the said general and special funds so appropriated and set apart, but the several funds shall be maintained for, used and applied to the particular purposes specified in the annual appropriation ordinance.

It shall be unlawful for any officer of the city to incur or contract any expense or liability for or in behalf of the city unless such an appropriation shall have been made concerning such expense. Such contract shall be null and void as to the city for any other or further liability; provided, first, that nothing herein contained shall prevent the council from providing by ordinance for payment of any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance, to be determined by resolution of the City Council before said expense is incurred. If there be any funds in the treasury not otherwise appropriated the same may be applied to the payment of such emergency expense; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

Collection of Taxes

Sec. 56. Until the City Council shall otherwise, by ordinance provide, the County Treasurer shall collect city taxes in the same manner and at the same time as State taxes are collected, and all laws of this State for the assessment of property and the levy and collection of general taxes, including laws for the sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes for the city as of such general taxes.

On or before the tenth day of every month, the County Treasurer shall report and pay to the City Clerk the amount of tax collections of the city for the preceding month, said collections to be immediately thereafter deposited in the City Depository.

Special Statutes Continued in Force

Sec. 57. The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado, 1908, relating to sidewalks, and all Statutes of this state, and amendments thereto relating to the issuance of bonds, funding and refunding bonds, shall be in full force and effect, save that no bond issue shall be made without a vote of the qualified electors of the city who are taxpayers under the law authorizing such issue.

Notary Public

Sec. 58. The City Council shall cause to be furnished, at the expense of the city, a Notarial Commission for the City Clerk, who shall take all acknowledgments on all papers relating to any of the departments of the city without fee.

Cemetery Fund

Sec. 59. The moneys in the Cemetery Fund, whether derived from taxation, appropriation, sale of lots in the cemetery, or otherwise, shall be used only for the maintenance, improvement or betterment of the cemetery owned by the city, and no lot shall be sold therein, or occupied unless the same has been paid for and a deed thereto issued by the City Clerk.

Water Works Fund

Sec. 60. The Water Works fund of the city shall be held intact for the purpose of maintenance, repairs or improvements, betterments, interest on bonds, liquidation of bonded indebtedness and other purposes relating specifically to the water works system and any surplus at the end of the fiscal year shall be held as a sinking fund for the payment of the bonded indebtedness for water works purposes; provided, that when a sufficient surplus be in the depository at the end of the fiscal year, it shall be used to pay off outstanding bonds.

Financial Statements

Sec. 61. Within twenty (20) days after the close of business on June 30th and December 31st of each year the City Manager shall compile and cause to be published once in a newspaper published in the City a complete report of the business of the City during the semi-annual period, showing the receipts, disbursements and balances on hand in each fund, also a statement of all warrants and bonds outstanding on each and every fund, together with the interest the same bears; and such statement shall be so compiled as to plainly disclose to the electors the complete financial status of the city. Such statement shall be made under the sworn signature of the City Manager, attested by three Commissioners.

Audit by Public Accountant

Sec. 62. At the close of each fiscal year the books and accounts of the City shall be audited by a Public Accountant, who shall, upon the completion of such audit, file a detailed report with the City Council within fifteen (15) days after the completion of the same.

Method of Bookeeping

Sec. 63. The City Council shall provide a complete set of books for the keeping of a record of the city's business in the most approved modern plan in vogue in municipal governments, so arranged as to furnish detailed information relating to the city's business, and where daily cash balances can be had.

Depository for Public Funds

Sec. 64. At the first regular meeting of the City Council after they qualify and take office they shall, by resolution or order, call for propositions from any bank or banker in the city to act as custodian of the city funds for the term for which they were elected, and any bank or banker in said city shall be eligible to bid on same.

Such bid shall state the amount of interest each bidder will pay upon an average daily balance of money on hand each day of the year, and the City Council shall thereupon designate such depository the highest bidder, who shall enter into a bond with the city with some Security Company as its or his security, at its or his expense, to be approved by the City Council in a sum not less than the maximum amount of funds to be deposited with such Depository during the year. The amount of said bond shall from time to time be increased or diminished as the council may order, provided that at all times said bond shall be sufficient in amount to fully indemnify the said City of Montrose to the full amount of its balance on deposit.

The said designated depository shall be required to promptly pay all orders drawn on such funds when presented signed by the Mayor, attested by the Clerk, with the seal of said city imprinted thereon, and shall deliver to the City Manager the first of each month all warrants presented to and paid by it and a statement which shall show the balance on deposit on the first day of the preceding month,

and deposits made, the orders paid and the balance for each and every day of the month, show the average daily balance, and shall pay over at that time the amount of interest due on the average balance for the previous month.

ARTICLE VII.

HIGHWAYS, HEALTH, WATER WORKS, SEWERS, LIGHTING AND PUBLIC SAFETY

Highways, Sewers, Water Works and Lighting

Sec. 65. The City Manager shall, in accordance with the Revised Statutes of Colorado of 1908 and all amendatory acts thereto and subject to the supervision and control of the City Council in all matters, and the ordinances of the city, manage and have charge of the construction, improvements, repairs, and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of water works, sewers, drains, ditches, culverts, canals, streams and water courses, gutters and curbing; of all public buildings, of boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, except parks and play grounds; the cleaning, sprinkling and lighting of streets and public places, the collection and disposal of waste, and the care and preservation of all tools, appliances and personal property belonging to the city. He shall have supervision of issuing building permits, the inspecting of plumbing, wiring and weights and measures. He shall also have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city.

Water

Sec. 66. Whenever the water supply is, or becomes, greater than the needs of the city for fire and domestic purposes the City Council may dispose of such surplus water to consumers of water outside the city limits at such rate as in the opinion of the City Council is just and proper.

Health

Sec. 67. The City Council shall appoint a health officer who shall be a graduate of a reputable medical college, and shall be licensed to practice medicine in this state. He shall have all the powers provided by the Revised Statutes of Colorado of 1908, and acts amendatory thereto, relative to public health, to be exercised in municipalities by health officers. He shall have the right to break open and enter, after reasonable request for such right, all buildings, residences and other places, whether public or private, wherein persons suspected of being afflicted with some contagious disease are located or where anything may be suspected of being that may communicate such contagious disease to others. He shall have power to seize and destroy without the necessity of trial, all articles of whatsoever kind or nature that may be found by him to be capable of communicating contagious diseases if not capable of fumigation or disinfection. He shall also have the right to arrest any person or persons who may violate the ordinances made by the City Council relating to public health, or who shall resist him in the performance of his duties. He shall be the inspector of milk and food offered for sale in the city.

The City Council shall have power to make additional ordinances and regulations which may be necessary or expedient for the preservation of public health and the suppression of disease.

Public Safety

Sec. 68. Fire Department: The City Council shall by ordinance

provide for the establishment and maintenance of a Fire Department, which shall be under its direction and control, consisting of such employees as it may deem necessary. The City Manager shall have no jurisdiction over said Fire Department, but his duties in connection with same shall be limited solely to the purchase of all necessary supplies therefor.

While said department shall consist of volunteers, it shall have the privilege of electing its own Chief.

The City Council may, if deemed advisable, provide a suitable recompense for the volunteer department while on actual duty and may further provide reasonable compensation for disability or illness actually contracted, or clothing destroyed, while in the performance of its duty.

Sec. 69. Police Department: The City Council shall by ordinance provide for the establishment and maintenance of a Police Department, consisting of such employees as it may deem necessary. The City Manager shall have jurisdiction over said Police Department, but his duties in connection with same shall be limited solely to the purchase of all necessary supplies therefor. The City Council shall enforce all laws and ordinances.

ARTICLE VIII.

FRANCHISES, PUBLIC UTILITIES AND CONTRACTS

Grant.

Sec. 70. No franchise to construct and operate a public utility in any street, avenue, alley, or public place of the said city shall be granted except upon the majority vote of the taxpaying electors of said city voting at such election. The question of its being granted shall be submitted to such vote only upon deposit with the City Council of the expense (to be estimated by the City Council) of such submission, by the applicant for said franchise.

No Exclusive Grant

Sec. 71. No franchise or privilege shall be granted for a longer period than twenty years. No exclusive franchise or renewal shall ever be granted and no franchise shall be renewed before one year prior to its expiration.

No Assignment

Sec. 72. No franchise or privilege granted by the city shall ever be leased, assigned or transferred except by majority vote of the legal voters voting on the question, to be submitted to an election thereon, at the expense of the owners, to be deposited as in Section 70.

Conditions

Sec. 73. All franchises or privileges hereafter granted to construct and operate a public utility shall prescribe the kind and quality of service or product to be furnished, the maximum rate or rates to be charged therefor, shall specify on which particular streets, avenues, alleys, or public grounds, the same shall apply, and the manner in which the streets, avenues, alleys and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.

Termination

Sec. 74. All such grants and renewals thereof shall reserve to the city the right to terminate the same and to purchase all the property of

the utility in the streets, avenues, alleys and public places in the city and elsewhere, as may be provided in the franchise making the grant or renewal, used in or useful for the operation of the utility, at the price fixed in the franchise. Nothing in such franchise shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power of purchase, reserved in the franchise or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by purchase, condemnation, or otherwise, such franchise or renewals shall at once terminate.

Purchase Price

Sec. 75. No franchise making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Extensions

Sec. 76. The City may, as provided in Section 70, Article VIII, grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the city applicable to the property of the utility by virtue of the franchise providing for its construction and operation. The right to use and maintain any such extension shall expire with the original franchise of the utility to which the extension was made or any renewal thereof.

Consents

Sec. 77. No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of such property owner in such highways or public grounds.

Right to Insert Additional Matter

Sec. 78. The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall never be construed as impairing the right of the city to insert in such franchise or grant, such other and further conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provisions whatever, as the city shall deem proper, to protect the interests of the people.

Regulations

Sec. 79. The City Council shall at all times control the distribution of space, in, over, under and across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the City Council to require such reconstruction, relocation, change, or discontinuance of the appliances used by the utility in the streets, avenues, alleys and public places of the city, as shall in the opinion of the City Council be necessary in the public interest.

Contracts for Service

Sec. 80. All contracts for service between the city and the owner or manager of any such franchise, shall be made by ordinance, the

terms of which shall be agreed to in writing by said owner or manager prior to the passage of such ordinance. No contract for service shall be made by the City Council for a longer period than their term of office unless such contract be submitted to a vote of the qualified electors of the city, and approved by a majority of those voting on said question.

Power to Regulate Rates and Fares

Sec. 81. All power to regulate the rates, fares, rentals and charges for service by public utility corporations is hereby reserved to the people to be exercised by them by ordinance of the City Council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant itself.

Ordinance in Plain Terms

Sec. 82. No franchise, right, privilege, or license shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under said ordinance.

Street Sprinkling, Cleaning and Paving .

Sec. 83. Every grant of any franchise or privilege in, over, under or along any street, avenue, alley or public place in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said track.

Franchise Provide for Safety, etc.

Sec. 84. The grant of every franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare and accommodation of the public, including among other things, the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other appliances, to be placed under ground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise.

City Maintain General Supervision, Reports, Inspection

Sec. 85. The City shall maintain general supervision and police control over all public utility companies in so far as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law.

It shall require every person or corporation operating under a franchise or grant from the city, to submit to the City Council with sixty (60) days after the first day of January of each year, an annual report verified by the oath of the president, the treasurer, or the general manager thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the City Council by ordinance;

and the City Council shall have the power, either through its members or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Any person, persons, or corporation which shall fail to make any such report, shall be liable to a penalty of one hundred dollars (\$100.00) and an additional penalty of one hundred dollars (\$100.00) for each and every day thereafter, during which he or it shall fail to file such report, to be sued for and recovered in any court of record having jurisdiction.

The City Manager shall, either personally or through the city's inspectors or employees, enter into or upon and inspect the buildings, plants, power houses, and all properties of any such person, persons or corporation, and shall inspect the same at least once a year, and shall immediately thereafter report to the City Council a detailed and complete statement of such inspection.

Books of Record and Reference

Sec. 86. The City Manager shall provide and cause to be kept in his office the following books of record and reference:

First: A franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by or contracts with the city to any person, persons or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second: A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the City Manager may, from time to time, acquire. In case annual reports are not filed and inspections are not made, as provided, the City Manager shall record such fact in the public utility record, and in writing report the same to the City Council. All such annual reports, or a synopsis thereof, shall be published once in a newspaper of general circulation, published in the city, or printed and distributed in pamphlet form, as the City Council may determine.

The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the city.

Books of Account

Sec. 87. The city, when owing any public utility, shall keep the books of account for such public utility distinct from other city accounts, and in such a manner as to show the true and complete financial result of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city of the public utility owned; all cost of maintenance, extension and improvements, all operating expenses of every description, in case of such city operation; if water or other service shall be furnished for the use of any department of the city without charge, the accounts shall show, as nearly as possible, the value of such service; such accounts shall also show reasonable allowance for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The City Council

shall cause to be printed annually for distribution, a report showing the financial results, in form as aforesaid, of such city ownership, or ownership and operation.

ARTICLE IX.

COMMISSIONS, BOARDS AND GENERAL PROVISIONS

Library, Cemetery and Parks

Sec. 88. The City Council shall appoint a Board of Directors, Boards of Directors, or Commission on Library, Cemetery and Parks, with such authority and proper financial support as shall be provided by ordinance.

Charities Commission

Sec. 89. The City Council shall establish a commission of public charities and appoint commissioners thereon, to serve without compensation, with such tenures, powers and duties of office as may be fixed by ordinance.

Public Meetings of Electors

Sec. 90. In order to enlist the active services of each citizen of the said city in improving the government of said city, in assisting in the enforcement of the ordinances and in promoting public improvements, public meetings of the electors of said city shall be called from time to time by the City Council of said city upon the following occasion:

Whenever the letting of a contract for a public improvement involving the expenditure of over Five Thousand Dollars (\$5000.00) is contemplated by the City Council, unless otherwise provided herein, a time and place shall be fixed at which the citizens of the said city shall by public advertisement be invited to meet with said City Council to counsel and advise with said City Council concerning such contract for public improvements. The calling and holding of such meeting as in this paragraph provided shall be a condition precedent to the validity of any such contract.

Montrose Day

Sec. 91. The City Council shall, by ordinance, designate a certain day in the spring of each year to be known as "Montrose Day," and shall, by notice and proclamation, request all the citizens of the said city to cease from their vocations, to close up their stores and places of business the same as on a holiday and devote the entire day to cleaning up the streets and alleys and public and private places of said city and to setting out shade and ornamental trees, beautifying said city, and improving the roads and streets of said city. Proper committees shall be appointed each year by the City Council to have this work in charge and to enlist the active services of each citizen in the city in said work.

Civic Beauty

Sec. 92. The City Council or any authorized officer shall have authority to condemn and compel to be removed signs, bill boards, shacks and dilapidated buildings wherever the same mar the beauty of the said city and are condemned in accordance with the uniform ordinances, rules and regulations passed by said City Council.

Sec. 93. Should this charter be approved by a majority vote of the qualified electors voting thereon, and upon filing two copies thereof officially certified by the City Clerk, in the office of the Secretary of State of Colorado, it shall thereupon be in full force and effect and the present form of government, including all existing city wards, shall thereupon cease and terminate. All officers and other persons in the service of the city at that time shall continue to serve as such, receive compensation therefor now provided by law or by ordinance, have and exercise power, authority and jurisdiction heretofore possessed by them, until the elective officers first elected hereunder shall qualify. Upon such qualification the term of office of any officer or person in the ser-

vice of the city at the time this charter takes effect shall immediately terminate.

Outgoing Officers

Sec. 94. All officers of the city whose term of office shall be terminated by the first election under this charter shall deliver and turn over to the officers upon whom their powers and duties devolve, all papers, records and property of any kind in their possession or custody by virtue of their office, and shall account to them or to any authority designated by the City Council, for all funds, credits or property of any kind with which they are properly chargeable as such officials.

Present Ordinances Continue in Force

Sec. 95. All laws, ordinances, resolutions, by-laws, orders, rules or regulations in force in the City of Montrose at the time this charter takes effect, not inconsistent with its provisions, whether enacted by the authority of the city or any other authority, shall continue in full force and effect until otherwise provided by ordinance.

Penalty for Violation

Sec. 96. Any person who shall violate any of the provisions of this charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the city jail not exceeding three (3) months, or by both such fine and imprisonment.

Definition of Misdemeanor

Sec. 97. The term "Misdemeanor" as used in this charter, shall mean a violation thereof, or of any ordinance, of which the municipal court or magistrate thereof shall have jurisdiction, and shall not have the meaning attached to it in Chapter XXXV, entitled: "CRIMES," Revised Statutes of Colorado, 1908.

Continuing Bonds, etc.

Sec. 98. All official bonds, recognizances, obligations, contracts, and all other instruments entered into or executed by or to the city before this charter takes effect, and all taxes, fines, penalties, forfeitures, incurred or imposed, due or owing the city, shall be enforced and collected and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and all legal acts done by or in favor of the city, shall be and remain as valid as though this charter had not been adopted.

Submission of Charter Amendments

Sec. 99. The charter may be amended at any time in the manner provided by Article XX, and amendments thereto, of the Constitution of the State of Colorado; except that not less than fifteen (15) per cent of the next preceding gubernatorial vote in said city shall be necessary to petition therefor, except this shall not apply to the Anti-Liquor clause of this charter, which shall take forty (40) per cent to submit.

Reservation of Power

Sec. 100. The power to supersede any law of the State now or hereafter in force, in so far as it applies to local or municipal affairs, shall be reserved to the city, acting by ordinance.

Intoxicating Liquors

Sec. 101. The sale, exposure for sale, barter, exchange, giving away, manufacture or storage of any spiritous, vinous, malt, fermented, distilled, alcoholic or other intoxicating liquors is hereby inhibited and forbidden within the limits of the City of Montrose and within one mile of the outer boundaries thereof, and the City Council shall have no power to license the manufacture or sale of any such liquors. Such giving away and such storage shall not apply to the giving away or storage of such liquors by a person in his private dwelling, provided, such

dwelling is not a place of public resort.

It shall be a good defense in any prosecution under this section, or under any ordinance passed in pursuance thereof, to show that the sale in question was at retail, by a regularly licensed pharmacist, for exclusively known medicinal purposes, and that it was sold only in good faith upon written prescription issued, signed, and dated in good faith by a duly licensed physician in active practice in the city of Montrose, and that the prescription was used but once.

Each such pharmacist shall keep, in easy access, a bound book for public inspection, containing a memorandum entry of such prescription, with the name of the physician prescribing, the name of the person prescribed for, the date, and the number thereof, which entry shall be made and signed by said pharmacist before said prescription shall be filled.

The City Council shall pass ordinances providing suitable penalties for a violation of this section, and to make it effective.

CERTIFICATE

WHEREAS, The electors of the City of Montrose, in the County of Montrose and the State of Colorado, a city of the second class, did on the 30th day of September, A. D. 1913, at a special election, under and in accordance with the provisions of Article XX of the Constitution of the State of Colorado, elect John L. Stivers, Frank D. Catlin, Jr., Fred Schermerhorn, Albert W. Knott, Isaac Tarkoff, Savannah B. Wonder, Onias C. Skinner, Jr., James S. Osborn, Wm. O. Redding, Chas. E. Adams, Mrs. Minnie Black, Walter Lacher, Fayette H. Posey, Hugo Selig, Wm. A. Lingham, Coleman B. Akard, Ed M. Sherman, Frank D. Catlin, Sr., Walter P. Crose, John F. Krebs and Jesse O'Neill as the Charter Convention of twenty-one electors qualified as required by said Article XX to prepare and propose a charter for said city;

BE IT KNOWN, That, in pursuance of said provision of the Constitution, and within a period of sixty days after said election said charter convention has prepared and does propose the foregoing as and for the Charter of the said City of Montrose.

IN WITNESS WHEREOF, We, the duly elected and qualified members of the charter convention of the City of Montrose, County of Montrose and State of Colorado, have hereunto subscribed our names in triplicate, in convention, in the City Hall in said city, this 29th day of November, in the year of our Lord, one thousand nine hundred and thirteen.

Fred Schermerhorn,	J. F. Krebs	Savannah B. Wonder
President,	W. O. Redding	Walter P. Crose
W. A. Lingham,	F. H. Posey	O. C. Skinner, Jr.
Vice-President.	James S. Osborn	Edward M. Sherman
Walter Lacher,	Isaac Tarkoff	Hugo Selig
Secretary	A. W. Knott	Jesse O'Neill
Minnie E. Black	F. D. Catlin	John L. Stivers
C. B. Akard	F. D. Catlin, Jr.	C. E. Adams.

Witness my hand and the seal of the City of Montrose, this 9th day of December, A. D. 1913.

S. V. Hobaugh,
City Clerk.

STATE OF COLORADO)
COUNTY OF MONROSE) ss.
CITY OF MONTROSE)

I, S. V. Hobaugh, City Clerk in and for the City of Montrose, County of Montrose and State of Colorado, do hereby certify that the above and foregoing proposed charter is a true and correct copy of the original thereof filed in my office under the provisions of Ordinance No. 95, on November 29th, 1913, as same now appears on file in my office as City Clerk.

Witness my hand and official seal this 9th day of December, A. D. 1913.
(SEAL) S. V. Hobaugh,
City Clerk.

Makers
Syracuse, N. Y.
PAT. JAN. 21. 1908

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